



DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO

GOVERNOR

MIKE D. McDANIEL, Ph.D.

SECRETARY

CERTIFIED MAIL

-RETURN RECEIPT REQUEST

File No.: LA0076368

AI No.: 9290

Activity No.: PER20060001

Mr. Perry Becnel
Plant Manager
Associated Grain Terminals, LLC
MGMT
9184 Highway 23
Belle Chasse, Louisiana 70037

RE: Draft Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge grain deck washwater, treated sanitary and domestic wastewater, once-through non-contact cooling water, condensate, filter backwash water, bilge water, and fire systems test water to the Mississippi River from an existing dry bulk grain transfer facility operating at River Mile 158.5 near Convent, in St. James Parish, River Mile 86.5, near Meraux Buoys in St. Bernard Parish, and River Mile 61.5, near the Harvest States site and River Mile 57, near Phoenix, in Plaquemines Parish.

Dear Mr. Becnel:

The Department of Environmental Quality proposes to revoke and reissue an LPDES permit with the effluent limitations, monitoring requirements, and special conditions listed in the attached DRAFT PERMIT. Please note that this is a DRAFT PERMIT only and as such does not grant any authorization to discharge. Authorization to discharge will only be granted, after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT. Upon the effective date of the FINAL PERMIT, the FINAL PERMIT shall replace the existing State permit.

Upon issuance of a final permit, monitoring results should be reported on a Discharge Monitoring Report (DMR) form per the schedule specified in Part II, Paragraph M.

This Office will publish the enclosed public notice one time in local newspapers of general circulation and the Office of Environmental Services Public Notice Mailing List. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice from the above mentioned newspaper. LAC 33:IX.6521.A states: "...The costs of publication shall be borne by the applicant."

The invoice, fee rating sheets, and a copy of the fee regulations will be sent under a separate cover letter as applicable. A copy of the entire Louisiana Water Quality Regulations may be obtained

ENVIRONMENTAL SERVICES

: PO BOX 4313, BATON ROUGE, LA 70821-4313

P:225-219-3181 F:225-219-3309

WWW.DEQ.LOUISIANA.GOV

Associated Grain Terminals, LLC
MGMT Facility
RE: LA0076368 AI No. 9290
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from the DEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236. Pursuant to LAC 33.IX.1309.I, LAC 33.IX.6509.A.1 and LAC 33.I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify your facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division at (225) 219-3863. Failure to pay in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to revocation or suspension of the applicable permit, and/or assessment of a civil penalty against you.

For sanitary treatment plants, the plans and specifications must be approved by the Department of Health and Hospitals, Office of Public Health, 6867 Bluebonnet Road, Box 7, Baton Rouge, Louisiana 70810, (225) 765-5038.

Should you have any questions concerning any part of the DRAFT PERMIT, public notice requirements, or fee, please feel free to contact Lisa Kemp, Office of Environmental Services, at the address on the preceding page, telephone (225) 219-3105. All future correspondence regarding this permit shall use the Agency Interest (AI) number 9290 and LPDES permit number LA0076368.

Sincerely,



Jesse Chang, Environmental Scientist Manager
Industrial Water Permits Section

lwk

Attachment(s) including dated public notice, Appendix A,
Appendix B, and statement of basis:

ec:

Ms. Cheryl LeJeune
Ms. Lisa Kemp
Water & Waste Permits Division

Permit Compliance Unit
Office of Environmental Compliance

IO-W

Mr. Wayne Slater
Enforcement Division
Office of Environmental Compliance

Ms. Ann M. Slater
C-K Associates, LLC
ann.slater@c-ka.com

Ms. Gayle Denino
Office of Management & Finance

Public Notice

Scheduled for Publication

The notice associated with the following:

**Re: Request for Public Comment on a Draft Water Discharge Permit
Associated Grain Terminals, LLC – MGMT Facility
Mobile Facility, St. James, St. Bernard & Plaquemines Parishes
AI 9290, Permit No. LA0076368, Activity No. PER20060001**

is scheduled to publish in the following paper (s)

Newspaper(s)	Scheduled Publication Date*
++ "The Enterprise" of Vacherie, LA	Wednesday, April 26, 2006
++ "The St. Bernard Voice" of Arabi, LA ++ "The Plaquemines Gazette" of Belle Chasse, LA	Friday, April 28, 2006
** "The Advocate" of Baton Rouge, LA	Friday, April 28, 2006
** "The St. Bernard Voice" of Arabi, LA ** "The Plaquemines Gazette" of Belle Chasse, LA ** "The Advocate" of Baton Rouge, LA	Friday, May 12, 2006

++In accordance with LAC 33:IX.6521.A, the applicant is responsible for payment of all costs of first publication of the public notice in the local newspaper(s). Newspaper will bill applicant directly.

***PLEASE NOTE: Based on LDEQ Public Notice and Public Participation Procedures Regarding Proposed Permit Actions in Hurricane Impacted Areas, as published in the Potpourri Section of the Louisiana Register, Vol. 31, No. 11, on November 20, 2005, LDEQ will pay for the publication of this notice in "The Advocate" on Friday, April 28, 2006, and a subsequent publication of the Public Notice in "The St. Bernard Voice", "The Plaquemines Gazette" and "The Advocate" on Friday, May 12, 2006.*

Questions regarding publication or payment may be directed to:

DEQ Office of Environmental Services, Public Participation Group Staff:

Name: Brian Smith

Phone: 225-219-3279

Email: Brian.Smith@LA.GOV

Comments:

***Actual date of publication is pending confirmation of publication by newspaper(s)**

PUBLIC NOTICE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)
ASSOCIATED GRAIN TERMINALS, LLC / MGMT FACILITY
DRAFT WATER DISCHARGE PERMIT

The LDEQ, Office of Environmental Services, is accepting written comments on a draft Louisiana Pollutant Discharge Elimination System (LPDES) permit prepared for Associated Grain Terminals, LLC, MGMT Facility, 9184 Highway 23, Belle Chasse, LA 70037. **The facility is located on a mobile barge operating at River Mile 158.5 near Convent, in St. James Parish, River Mile 86.5 near Meraux Buoys, in St. Bernard Parish, River Mile 61.5 near the Harvest States site, in Plaquemines Parish and River Mile 57 near Phoenix, in Plaquemines Parish.** Upon the effective date of the final permit, the LPDES permit shall replace the previously issued State permit.

The principal discharge from this existing source is made into the Mississippi River, waters of the state classified for primary contact recreation, secondary contact recreation, propagation of fish and wildlife, and drinking water supply. Under the SIC Codes 4491 and 5153, the applicant proposes to discharge grain deck washwater, treated sanitary and domestic wastewater, once-through non-contact cooling water, bilge water, condensate, filter backwash water, and fire systems test water from an existing dry bulk grain transfer facility.

During the preparation of this permit, it has been determined that the discharge will have no adverse impact on the existing uses of the receiving waterbody. As with any discharge, however, some change in existing water quality may occur.

Written comments, written requests for a public hearing or written requests for notification of the final decision regarding this permit action may be submitted to Ms. Soumaya Ghosn at LDEQ, Public Participation Group, P.O. Box 4313, Baton Rouge, LA 70821-4313. **Written comments and/or written requests must be received by 12:30 p.m., Thursday, June 15, 2006.** Written comments will be considered prior to a final permit decision.

If LDEQ finds a significant degree of public interest, a public hearing will be held. LDEQ will send notification of the final permit decision to the applicant and to each person who has submitted written comments or a written request for notification of the final decision.

The application, draft permit, and statement of basis are available for review at the LDEQ, Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, LA. Viewing hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays).

Inquiries or requests for additional information regarding this permit action should be directed to Lisa Kemp, LDEQ, Water & Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313, phone (225) 219-3105.

Persons wishing to be included on the LDEQ permit public notice mailing list or for other public participation related questions should contact the Public Participation Group in writing at LDEQ, P.O. Box 4313, Baton Rouge, LA 70821-4313, by email at maillistrequest@ldeq.org or contact the LDEQ Customer Service Center at (225) 219-LDEQ (219-5337).

Permit public notices including electronic access to the draft permit and statement of basis can be viewed at the LDEQ permits public notice webpage at www.deq.state.la.us/news/PubNotice/ and general information related to the public participation in permitting activities can be viewed at www.deq.louisiana.gov/portal/tabid/2198/Default.aspx.

Alternatively, individuals may elect to receive the permit public notices via email by subscribing to the LDEQ permits public notice List Server at http://www.state.la.us/ldbc/listservpage/ldeq_pn_listserv.htm.

All correspondence should specify AI Number 9290, Permit Number LA0076368, and Activity Number PER20060001.

Publication dates: April 26, 2006 in The Enterprise
April 28, 2006 and May 12, 2006 in The Advocate, The St. Bernard Voice and The Plaquemines Gazette.

DRAFT



PERMIT NUMBER

LA0076368

AI No.: 9290

OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

Associated Grain Terminals, LLC
MGMT Facility
9184 Highway 23
Belle Chasse, Louisiana 70037

Type Facility: dry bulk grain transfer facility

Location: operating at River Mile 158.5 near Convent in St. James Parish,
River Mile 86.5 near Meraux Buoys in St. Bernard Parish, and
River Mile 61.5, near the Harvest States site and River Mile 57, near
Phoenix, in Plaquemines Parish.

Receiving Waters: Mississippi River

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III attached hereto.

This permit shall become effective on

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

Issued on

Chuck Carr Brown, Ph. D.
Assistant Secretary

DRAFT

PART I

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Permit No. Draft LA0076368

AI No. 9290

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 001, intermittent discharge of grain deck washwater from deck-washing

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements			
			Other Units			
	(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)			
STORET	Monthly	Daily	Monthly	Daily	Measurement	Sample
Code	Average	Maximum	Average	Maximum	Frequency	Type

See Part II, Paragraphs I, J, and K

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

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Permit No. Draft LA0076368

AI No. 9290

~~EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)~~

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 002, treated sanitary and domestic wastewater

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements			
	STORET Code	(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Weekly Average	Monthly Average	Weekly Average		
Flow-MGD	50050	Report	Report	---	---	1/6 months	Estimate
BOD ₅	00310	---	---	---	45	1/6 months	Grab
TSS	00530	---	---	---	45	1/6 months	Grab
Fecal Coliform							
colonies/100 ml(*1)	74055	---	---	---	400	1/6 months	Grab
pH Min/Max Values	00400	---	---	6.0 (*2)	9.0 (*2)	1/6 months	Grab
(Standard Units)				(Min)	(Max)		

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 002, at the point of discharge from the treatment facility prior to combining with other waters

FOOTNOTE(S):

- (*1) Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine Limit.
- (*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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Permit No. Draft LA0076368

AI No. 9290

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 03B, once-through non-contact cooling water from Generator Engine #3 and treated bilge water

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements		Measurement Frequency	Sample Type
	STORET Code	(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)			
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/month	Estimate
COD	00340	---	---	200	300	1/month	Grab
Oil & Grease	03582	---	---	---	15	1/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*1) (Min)	9.0 (*1) (Max)	1/month	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 03B, at the point of discharge from the generator, downstream of the oil/water separator prior to combining with other waters

FOOTNOTE(S):

(*1) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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Permit No. Draft LA0076368

AI No. 9290

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 03C, once-through non-contact cooling water from Generator Engine #2 and air compressor condensate

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements				
	STORET Code	(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/month	Estimate
Net TOC (*1)	00680	---	---	---	5	1/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*2) (Max)	1/month	Grab
Visible Sheen	----	---	---	---	No presence	1/month	Observation

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 03C, at the point of discharge from the air compressor prior to combining with other waters

FOOTNOTE(S):

(*1) Net = Effluent - Influent. Sampling for the TOC parameter shall be required only when additives of any kind are used in the non-contact cooling water or when the cooling water may be contaminated with organics. The TOC of the discharge shall not exceed the intake TOC by more than 5.0 mg/L. Simultaneous sampling of the effluent and the influent shall be required to establish the net value. The influent, effluent, and net value shall be reported on the DMR.

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 03D, once-through non-contact cooling water from the Generator Engine #1

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements			
	STORET Code	(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/month	Estimate
Net TOC (*1)	00680	---	---	---	5	1/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*2) (Max)	1/month	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 03D, at the point of discharge from the generator prior to combining with other waters.

FOOTNOTE(S):

(*1) Net = Effluent - Influent. Sampling for the TOC parameter shall be required only when additives of any kind are used in the non-contact cooling water or when the cooling water may be contaminated with organics. The TOC of the discharge shall not exceed the intake TOC by more than 5.0 mg/L. Simultaneous sampling of the effluent and the influent shall be required to establish the net value. The influent, effluent, and net value shall be reported on the DMR.

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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Permit No. Draft LA0076368

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 03E, once-through non-contact cooling water and condensate from the air conditioning units

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements		Measurement Frequency	Sample Type
			Other Units			
	(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)			
STORET Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	1/month	Estimate
Net TOC (*1)	00680	---	---	---	5	Grab
pH Min/Maxi Values (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*2) (Max)	Grab
Visible Sheen	-----	---	---	---	No presence	Observation

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 03E, at the point of discharge from the compressor, downstream of the condensate discharge prior to combining with other waters.

FOOTNOTE(S):

(*1) Net = Effluent - Influent. Sampling for the TOC parameter shall be required only when additives of any kind are used in the non-contact cooling water or when the cooling water may be contaminated with organics. The TOC of the discharge shall not exceed the intake TOC by more than 5.0 mg/L. Simultaneous sampling of the effluent and the influent shall be required to establish the net value. The influent, effluent, and net value shall be reported on the DMR.

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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~~EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)~~

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 004, filter backwash water from the Continental Water Plant

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements			
	STORET Code	(lbs/day, UNLESS STATED)		Other Units (mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/month	Estimate
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*1) (Min)	9.0 (*1) (Max)	1/month	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 004, at the point of discharge from the water plant prior to combining with other waters.

FOOTNOTE(S):

(*1) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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Permit No. Draft LA0076368

AI No. 9290

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 005, intermittent discharges of bilge water and fire systems test water

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>STORET Code</u>	<u>Discharge Limitations</u> (lbs/day, UNLESS STATED)		<u>Monitoring Requirements</u> Other Units (mg/L, UNLESS STATED)		<u>Measurement Frequency (*1)</u>	<u>Sample Type</u>
		<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>		
Flow-MGD	50050	Report	Report	---	---	1/discharge	Estimate
COD	00340	---	---	---	100	1/month	Grab
Oil & Grease	03582	---	---	---	15	1/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*2) (Max)	1/month	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 005, at the point of discharge from the bilge system prior to combining with other waters.

FOOTNOTE(S):

(*1) When discharging.

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

PART II

OTHER REQUIREMENTS

In addition to the standard conditions required in all permits and listed in Part III, the Office has established the following additional requirements in accordance with the Louisiana Water Quality Regulations.

- A. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations or additional restrictions, if necessary, to maintain the water quality integrity and the designated uses of the receiving water bodies.
- B. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit.
- C. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
- D. For definitions of monitoring and sampling terminology see Part III, Section F.

E. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.6.e.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

Pollutant(s):

-

None

F. FLOW MEASUREMENT "ESTIMATE" SAMPLE TYPE

If the flow measurement sample type in Part I is specified as "estimate", flow measurements shall not be subject to the accuracy provisions established at Part III.C.6 of this permit. The daily flow value may be estimated using best engineering judgement.

- G. The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule:

Effective date of the permit

H. PERMIT REOPENER CLAUSE

In accordance with LAC 33:IX.2903, this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

- 1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

OTHER REQUIREMENTS (continued)

2. Controls any pollutant not limited in the permit; or
3. Require reassessment due to change in 303(d) status of waterbody; or
4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's. The LDEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

I. BARGE BMP

General requirements for barges/vessels carrying all types of cargo and/or supporting activity, i.e., barge/vessel washing, work barges/vessels, bunkering barges/vessels, midstream refueling barges/vessels, barges/vessels carrying coal, coke, grain, rock, chemical, or any other cargo are described in the following.

Best Management Practices (BMP) shall be used to prevent the discharge of contaminated waters or cargo and shall be at least equivalent to the following:

1. Louisiana Administrative Code Title 33:IX.9 Spill Prevention and Control (SPC) does apply to all tanks and equipment mounted on barge/vessel surfaces as well as to any tanks on shore. All pumps, tanks, vessels or other equipment on work or washwater barges/vessels shall be placed on impervious decks and provided with spill containment systems such as curbs, gutters, sumps or absorbents and drip pans capable of retaining spills of oil and other materials.
2. With respect to work and washwater barge/vessel surfaces, LAC 33:IX.907.F.1 referring to containment is modified to include a requirement that the containment volume must be sufficient to contain the volume of the largest tank or vessel on the barge/vessel surface, or 35% of the total volume of all tanks or vessels mounted on the barge/vessel surface, whichever is larger.
3. If applicable, the facility SPC plan is required to be prepared and implemented within 180 days of the permit date.
4. **Wastewaters generated in the process of washing barge/vessel deck surfaces may be discharged provided: a.) residual oil and other contaminants that may be**

OTHER REQUIREMENTS (continued)

present on the deck surface are removed before the washing takes place, by means of absorbents or other appropriate methods that prevent oil and other contaminants from entering the waterway; b.) if a cleaning agent is used in the wash process, it is one that is biodegradable, and c.) if a visible sheen is present, a sample must be taken and tested for compliance with the following parameters prior to discharge: 50 mg/l TOC, 15 mg/l Oil and Grease, and pH within the range of 6.0 – 9.0 standard units.

If a sample(s) has been taken and tested, monitoring results (summarized monthly) must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). DMR forms shall be submitted quarterly along with and in the same manner as DMR forms for outfalls.

5. Inadvertent spills and/or releases of cargo products directly into the waterbody from handling equipment, such as, but not limited to, clamshell buckets, shall be minimized to the extent practicable by a.) maintaining all equipment in accord with manufacturer's specifications and good engineering practice; and b.) frequent cleanup of accumulations of spilled cargo.

J. CONDITIONS FOR BARGES

1. Each rig or barge shall have clearly marked identification on the vessel to allow personnel to determine the identity of the operating equipment.
2. A written log of all sites where barge washdown is carried out shall be kept as part of the conditions of this permit. **This log should contain the barge name, location, receiving waterbody, date of work performed, presence or absence of visible sheen, and commodity washed from the rig.** This log is to be kept at the operator's main place of business and shall be provided to DEQ upon request.
3. Associated Grain Terminals, LLC's office personnel are to furnish location of the barge upon request of Department personnel.
4. Only the materials specifically listed in **Appendix A** may be transferred. No other materials shall be transferred without prior written approval of the Office of Environmental Services, Permits Division. This approval may require a permit modification.
5. Only permitted washwaters may be discharged. Washwaters from any type of container, drum, truck, etc., that is not clearly listed in the permit shall not be discharged.
6. The permitted barge(s) shall operate only on the Mississippi River at River Mile 158.5 near Convent, in St. James Parish, River Mile 86.5, near Meraux Buoys in St. Bernard Parish, and River Mile 61.5, near the Harvest States site and River Mile 57, near Phoenix, in Plaquemines Parish. This Office is to be notified in writing prior to operating the barge(s) at any other location. This approval may require a permit modification.

~~OTHER REQUIREMENTS (continued)~~

7. Only the MGMT barge is authorized to discharge under this permit. No other equipment shall be included in the permit without prior written notification to this Office. The request to add equipment to this permit shall be submitted in writing to the Office of Environmental Services and the appropriate Regional Office(s) sixty (60) days prior to the start of equipment operation. Additionally, both offices are to be notified in writing whenever any equipment ceases operation and should be removed from the permit. This may require a permit modification.

K. SOLIDS ACCUMULATION IN BARGES, VESSELS, CONTAINERS, SUMPS, ETC.

Subject equipment must be kept clean at a frequency necessary to prevent excessive solids accumulation and/or cross contamination of different categories of materials handled. Documentation is required for the procedures.

L. BALLAST WATERS

The discharge of incoming, maintenance and/or dry dock ballast water is not permitted.

M. DISCHARGE MONITORING REPORTS

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). All monitoring reports must be retained for a period of at least three (3) years from the date of the sample measurement. The permittee shall make available to this Department, upon request, copies of all monitoring data required by this permit.

If there is a no discharge event at any of the monitored outfall(s) during the reporting period, enter "No Discharge" in the upper right corner of the Discharge Monitoring Report.

Discharge Monitoring Report (DMR) forms shall be prepared and submitted for each outfall per the instructions and submission schedules below:

1. For sampling frequencies less than or equal to once per month, one DMR form per month (summarize monitoring results monthly) must be prepared and submitted quarterly.
2. For quarterly or once per 3 months sampling frequencies, one DMR form per quarter must be prepared and submitted quarterly.
3. For semi-annual or once per 6 months monitoring frequencies, one DMR form per six month period must be prepared and submitted semi-annually.
4. For annual or once per year monitoring frequencies, one DMR form per year must be submitted annually.

OTHER REQUIREMENTS (continued)

Quarterly Submission Schedule

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January, February, March	April 28th
April, May, June	July 28th
July, August, September	October 28th
October, November, December	January 28th

Semiannual Submission Schedule

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January - June	July 28th
July - December	January 28th

Annual Submission Schedule

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January-December	January 28th

Duplicate copies of DMR's (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503, and any violations of the conditions of the permit as well as all other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit, and the appropriate DEQ regional office (one set of copies) at the following addresses:

Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Permit Compliance Unit
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312

Southeast Regional Office
Office of Environmental Compliance
Surveillance Division
201 Evans Road
Bldg. 4, Suite 420
New Orleans, Louisiana 70123-5230

PLEASE NOTE: For discharges made outside of the parishes applicable to the Southeast Regional Office, send a copy of the DMRs to the applicable regional office in addition to the Southeast Regional Office. (refer to Appendix B).

PART III
STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2701, et. seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions

- a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).
- b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

- a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.
- b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

- a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.
- b. General Permits. General permits expire five years after the effective date. Unless otherwise specified in the general permit, or notified by the Secretary or his designee, a permittee must submit an NOI/application for the permitted activity.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

SECTION B. PROPER OPERATION AND MAINTENANCE1. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities

a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water and Waste Permits Division, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6, (24-hour notice) and Section D.6.e. of these standard conditions.

d. Prohibition of bypass

(1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

SECTION C. MONITORING AND RECORDS1. Inspection and Entry

The permittee shall allow the state administrative authority, or an authorized representative (including an ~~authorized contractor acting as a representative of the Administrator~~), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. *Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and*

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

- e. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
 - (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.
- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, *including any other conditions or limitations*, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.
 - g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

publication number PB-83-124503. General laboratory procedures including glassware cleaning, etc. can be found in the "Handbook for Analytical Quality Control in Water and Wastewater Laboratories, 1979," U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. This publication is available from the Environmental Protection Agency, Phone number (513) 569-7562. Order by EPA publication number EPA-600/4-79-019.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

7. Prohibition for Tampering: Penalties

- a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

10. Laboratory Accreditation

- a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

- (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
- (2) Required as part of any permit application;

new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.

- b. Automatic transfers. As an alternative to transfers under LAC 33:IX.2901.A, any LPDES permit may be ~~automatically transferred to a new permittee if:~~

- (1) The current permittee notifies the state administrative authority at least 30 days in advance of the proposed transfer date in Section D.3.b.(2) below;
- (2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;
- (3) The state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subsection may also be a minor modification under LAC 33:IX.2905. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section D.3.b.(2) of these standard conditions.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part I or Part II of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500's and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit
Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.state.la.us/enforcement/index.htm>

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification

a. Emergency Notification

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

- (2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
- (3) ~~date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;~~
- (4) details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
 - (a) the current permitted limit for the pollutant(s) released; and
 - (b) the permitted release point/outfall ID.
- (5) the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total amount of each compound expressed in pounds, including calculations);
- (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.
- (8) Written notification reports shall be submitted to the Office of Environmental Compliance, Surveillance Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked **"UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."**

Please see LAC 33:1.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a.(1)(a). ~~The agency will presume that these responsible corporate officers~~ have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a.(1)(b). rather than to specific individuals.

- (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
- (3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
 - (3) The written authorization is submitted to the state administrative authority.
- c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

such violation which is not voluntarily paid by the violator, and a penalty of not more than \$32,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. Clean Water Act (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).
2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.
5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
8. Daily Maximum discharge limitation means the highest allowable "daily discharge".
9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.
10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.

including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof. (See Part 212 of the Clean Water Act)

~~22. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.~~

23. The term MGD shall mean million gallons per day.

24. The term mg/L shall mean milligrams per liter or parts per million (ppm).

25. The term µg/L shall mean micrograms per liter or parts per billion (ppb).

26. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).

27. Weekly average, (also known as 7-day average), other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all "daily discharge(s)" measured during a calendar week divided by the number of "daily discharge(s)" measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes weekly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the weekly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar week.

The weekly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

28. Sanitary Wastewater Term(s):

- a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 3-hour period.
- b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.
- c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.
- d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.